

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and  
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK CAR  
AUTO RACING, LLC, NASCAR HOLDINGS,  
LLC, NASCAR EVENT MANAGEMENT, LLC,  
and JAMES FRANCE,

Defendants.

No.: 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,  
FRONT ROW MOTORSPORTS, INC., and  
CURTIS POLK,

Counter-Defendants.

**JOINT MOTION TO AMEND  
STIPULATED PROTECTIVE ORDER**

2311 Racing LLC d/b/a 23XI Racing (“23XI”), Front Row Motorsports, Inc. (“Front Row”), and Curtis Polk (collectively, “Plaintiffs”), and National Association for Stock Car Auto Racing, LLC, NASCAR Holdings, LLC, NASCAR Event Management, LLC and James France (collectively, “Defendants” and together with Plaintiffs, the “Parties”) respectfully move this Court to amend the Stipulated Protective Order (Dkt. No. 85) to permit the Parties to show both “Confidential” and “Highly Confidential - OCO” information to professional jury and/or trial

consultants, as well as mock jurors, provided they have signed Exhibit A of the Stipulated Protective Order.

1. On December 20, 2024, the Court entered the Stipulated Protective Order, which allows for “professional jury or trial consultants [and] mock jurors” who have signed Exhibit A thereto to view “Confidential” information. However, as written, it does not expressly allow such individuals to view “Highly Confidential - OCO” information. *See* Dkt. No. 85 ¶¶ 6(a)–(b).

2. In light of the Parties’ trial preparation, they wish to amend the Stipulated Protective Order to allow for “professional jury or trial consultants [and] mock jurors” who have signed Exhibit A to view both “Confidential” and “Highly Confidential - OCO” information, as indicated in the Proposed Amended Stipulated Protective Order, attached hereto as Exhibit 1.

3. On September 16, 2025, counsel for the Parties conferred and agreed to move to amend the Stipulated Protective Order to allow “professional jury or trial consultants [and] mock jurors” to view both “Confidential” and “Highly Confidential - OCO” Party and Non-Party materials,<sup>1</sup> provided they have signed Exhibit A to the Stipulated Protective Order.

4. The Parties further agreed that upon the entry of an Order granting this Motion, the Parties shall notify all impacted Non-Parties of the amendment by transmitting electronically the Amended Stipulated Protective Order to such Non-Parties and their counsel as appropriate no later than three (3) business days upon the entry of the Order.

5. The Parties agree that there is good cause for the requested modifications to the Stipulated Protective Order.

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<sup>1</sup> “Non-Party” means “any natural person, partnership, corporation, association, or other legal entity not named as a Party to this action.” Dkt. No. 85 ¶ 1(h).

NOW THEREFORE, the Parties agree—and respectfully request that the Court grant the motion—to amend the Stipulated Protective Order as set forth in Exhibit 1, which:

- Allows “professional jury or trial consultants [and] mock jurors” who have signed Exhibit A to view both “Confidential” and “Highly Confidential - OCO” information of both Parties and Non-Parties. All impacted Non-Parties shall be notified electronically of the amendments to the Protective Order, no later than three (3) business days following the Court’s entry of the Order.

Dated: September 23, 2025

By: /s/ Jeffrey L. Kessler

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## **CERTIFICATE OF COMPLIANCE**

No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg. Every statement and every citation to an authority in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

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